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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,496	09/01/2006	Alain Rhelimi	09669/093001	1844

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EXAMINER

DOAN, TRANG T

ART UNIT	PAPER NUMBER
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2431

NOTIFICATION DATE	DELIVERY MODE
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12/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/591,496	Applicant(s) RHELIMI ET AL.	
	Examiner TRANG DOAN	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/01/2006</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-21 are pending for consideration.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 09/01/2006 is being considered by the examiner.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Drawings

5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the informal drawings filed on 09/01/2006 are difficult to read which makes the scanned images unsuitable for publication. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are

required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

6. Claims 2-21 are objected to because of the following informalities:

Regarding claim 2-21, "A retrievable token" should be "the retrievable token".

Regarding claim 19, "access conditions (ACLs)" should be "access conditions list (ACLs)"

Appropriate correction is required.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 currently recites "an authentication and/or rights containing retrievable token such as an IC card", the claimed token is not falling within one of the four enumerated categories of patentable subject matter recited in 35 U.S.C. 101 (i.e., process, machine, manufacture, or composition of matter) (see MPEP 2106.01).

The dependent claims are depended on the rejected base claim and therefore rejected for the same rationale.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 provides for the use of “an authentication and/or rights containing retrievable token such as an IC card”, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

The dependent claims are depended on the rejected base claim and therefore rejected for the same rationale.

12. In addition to claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. Claim 2 recites the limitation "the portable" in line 1. There is insufficient antecedent basis for this limitation in the claim.

14. Claims 9-10 recite the limitation "the protocol of communication" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilkinson et al. (US 6308317) (hereinafter Wilkinson).

17. Regarding claim 1, Wilkinson discloses an authentication and/or rights containing retrievable token such as an IC card comprising at least one physical channel of communication to at least one apparatus and at least two logical channels of communication with said at least one apparatus wherein each logical channel of communication is associated with a different execution environment (Wilkinson: see figure 11 "translation of original byte codes for a different virtual machine architecture"; column 3 lines 51-58; column 4 lines 50-67 and column 5 lines 41-57).

18. Regarding claim 2, Wilkinson further discloses wherein the portable is a Multi Media Memory card (Wilkinson: column 2 lines 36-45; and column 19 lines 5-10).

19. Regarding claim 3, Wilkinson further discloses wherein the apparatus is a mobile communication handset (Wilkinson: column 19 lines 5-10).
20. Regarding claim 4, Wilkinson further discloses wherein the apparatus is a personal computer (Wilkinson: column 7 lines 43-56).
21. Regarding claim 5, Wilkinson further discloses wherein said at least one physical channel of communication uses USB protocol (Wilkinson: column 7 line 66 through column 8 line 8).
22. Regarding claim 6, Wilkinson further discloses wherein said at least one physical channel of communication uses SPI protocol (Wilkinson: column 2 lines 36-45; and column 19 lines 5-10; and column 7 line 66 through column 8 line 8).
23. Regarding claim 7, Wilkinson further discloses wherein said at least one the physical channel of communication uses MMC protocol (Wilkinson: column 2 lines 36-45; and column 19 lines 5-10; and column 7 line 66 through column 8 line 8).
24. Regarding claim 8, Wilkinson further discloses wherein aid at least one physical channel of communication uses a protocol for contactless smart card (Wilkinson: column 2 lines 36-45; and column 19 lines 5-10) (column 2 lines 36-45; and column 19 lines 5-10; and column 7 line 66 through column 8 line 8).
25. Regarding claim 9, Wilkinson further discloses wherein the protocol of communication is defined in the ISO (FCD) 15693 (column 2 lines 36-45; and column 19 lines 5-10; and column 7 line 66 through column 8 line 8).

26. Regarding claim 10, Wilkinson further discloses wherein the protocol of communication is defined in the ISO 14443 (column 2 lines 36-45; and column 19 lines 5-10; and column 7 line 66 through column 8 line 8).

27. Regarding claim 11, Wilkinson further discloses wherein at least one of the physical channels of communication uses the protocols defined in the TS 102.221 standard (column 2 lines 36-45; and column 19 lines 5-10; and column 7 line 66 through column 8 line 8).

28. Regarding claim 12, Wilkinson further discloses wherein at least one of the physical channels of communication uses the protocols defined in the ISO 7816 standard (column 2 lines 36-45; and column 19 lines 5-10; and column 7 line 66 through column 8 line 8).

29. Regarding claim 13, Wilkinson further discloses wherein said retrievable token includes at least two physical channels and at least one of said physical channels is independent from the other(s) (Wilkinson: column 4 lines 50-67; and column 18 lines 25-30).

30. Regarding claim 14, Wilkinson further discloses wherein said retrievable token comprises at least two applications that can be executed independently in each execution environment, said retrievable token comprising a resource that is shared between said at least two applications (Wilkinson: column 5 lines 41-57).

31. Regarding claim 15, Wilkinson further discloses wherein it comprises an access condition list (ACL) and said resource is shared by said at least two applications on the basis of said access condition list (ACL) (Wilkinson: column 4 lines 25-31).

32. Regarding claim 16, Wilkinson further discloses for which the resource that can be shared between the applications is a shared file, said access conditions of the access conditions list associating respective applications with respective operations on this file thereby authorizing said respective applications to perform said respective operations on said file (Wilkinson: column 17 lines 36-64).

33. Regarding claim 17, Wilkinson further discloses wherein the resource that can be shared between applications in the different execution environments is a shared object on which data is written in a "first in first out" (FIFO) manner and wherein access conditions are defined in the access conditions list (ACL) associating respective applications with respective operations on this file thereby authorizing said respective applications to perform said respective operations on this object (Wilkinson: column 11 lines 24-36; column 17 lines 36-64; and column 18 lines 25-30).

34. Regarding claim 18, Wilkinson further discloses wherein the retrievable token stores and runs a operating system which is common to said applications in the different execution environments and wherein the resource that can be shared between applications in the different execution environments is a shared function that is implemented by the common operating system and for which access conditions are defined in the access conditions list (ACLs) which specify respective rights of the applications to invoke said shared function (Wilkinson: column 17 lines 36-64; column 11 lines 24-35; and column 18 lines 25-30).

35. Regarding claim 19, Wilkinson further discloses in which a first application which is run in an execution environment can share a function with a second application in

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another execution environment by allowing the other application to invoke this function and where access conditions (ACLs) are defined in the retrievable token for the second application to access this shared function (Wilkinson: column 17 lines 36-64; column 11 lines 24-35; and column 18 lines 25-30).

36. Regarding claim 20, Wilkinson further discloses wherein the retrievable token comprises two applications respectively running under the two different environments and the retrievable token performs said two applications simultaneously (Wilkinson: column 5 lines 41-57; and column 11 lines 24-35).

37. Regarding claim 21, Wilkinson further discloses wherein it comprises two applications respectively running under the two different environments and the token comprises a communication protocol between said applications in the two execution environments which allows a secure sharing of data and/or functions between the two applications (Wilkinson: column 5 lines 41-57; and column 11 lines 24-35).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRANG DOAN whose telephone number is (571)272-0740. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trang Doan/
Examiner, Art Unit 2431

/Syed Zia/
Primary Examiner, Art Unit 2431